

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 MAR 23 PM 2:54

DEPUTY CLERK

DELBERT GLEN ROGERS, PRO SE
TDCJ-CID No. 657580,
Previous TDCJ-CID No. 540216,
Previous TDCJ-CID No. 330782,

Plaintiff,

V.

2:14-CV-0216

Mr. DENNIS MARKGRAF ET AL.,

Defendants.

ORDER OF DISMISSAL

Plaintiff DELBERT GLEN ROGERS, acting *pro se*, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above named defendants, and has been granted permission to proceed *in forma pauperis*.

On March 3, 2017, the Magistrate Judge issued a Report and Recommendation analyzing plaintiff's claims and recommending dismissal with prejudice on the grounds of qualified immunity. The Magistrate Judge further recommended granting the Motion for Summary Judgment filed by defendants and denying the Motion for Summary Judgment filed by the plaintiff and denying plaintiff's request for injunctive relief.

No objections to the Report and Recommendation have been filed, and the response period has expired.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Defendants' Motion for Summary Judgment on the grounds of qualified immunity be GRANTED. Further, it is ORDERED that the plaintiff's Motion for Summary Judgment be DENIED. It is ORDERED that the plaintiff's requests for injunctive relief and/or temporary restraining orders be DENIED. Pursuant to Title 28, United States Code, sections 1915A and 1915(e)(2), as well as Title 42, United States Code, section 1997e(c), it is ORDERED that the Civil Rights Claims filed pursuant to Title 42, United States Code, Section 1983, by plaintiff DELBERT GLEN ROGERS against defendants MASSEY, COLEMAN, BYRD, and LAFAVE be DISMISSED WITH PREJUDICE ON THE GROUND OF QUALIFIED IMMUNITY.

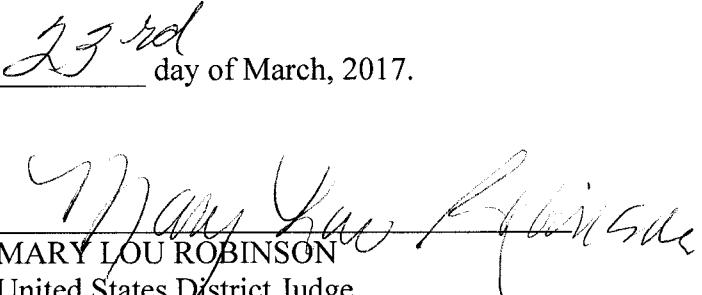
LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record by first class mail.

All other pending motions are DENIED.

IT IS SO ORDERED.

Signed this _____ day of March, 2017.



MARY LOU ROBINSON
United States District Judge